

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMY MEISNER,

Plaintiff,

-against-

623 NINTH AVENUE ASSOCIATES, LLC
and LOTUS WEST CORP.,

Defendants.

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23-CV-5833 (MMG) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

On January 22, 2025, the Court held a settlement conference at which plaintiff's attorney Robert Hanski, plaintiff Amy Meisner, defendants' attorney Daniel Smith, and authorized representatives of defendant Lotus West Corp. (Lotus) appeared. However, no representative of defendant 623 Ninth Avenue Associates, LLC (623 Ninth) appeared, as required by this Court's Settlement Conference Scheduling Order (Scheduling Order) (Dkt. 59). Moreover, during the settlement conference, attorney Smith advised the Court that a conflict had arisen between Lotus and 623 Ninth, such that he would likely be required to withdraw from the joint representation.

After the conference, the Court issued an Order to Show Cause (OSC) (Dkt. 61), in which it set January 29, 2025 as the deadline for the following:

- (1) defendants to show cause in writing why they should not be sanctioned pursuant to paragraph 1(d) of the Scheduling Order and/or Fed. R. Civ. P. 16(f)(1)(A)-(C);
- (2) defendants' counsel to file a motion for leave to withdraw, in compliance with Local Civil Rule 1.4; and
- (3) plaintiff to file a motion for reimbursement of her fees and expenses incurred in preparing for and attending the settlement conference, or other sanctions, should she choose to do so.

OSC at 3.

Plaintiff did not seek sanctions.

On January 30, 2025, attorney Mark C. Sternick entered a notice of appearance on behalf of defendant 623 Ninth (Dkt. 62) and filed a letter (623 Ninth Ltr.) (Dkt. 63), dated January 29, 2025, informing the Court that he is "replacing outgoing counsel The Law Firm of Adam C. Weiss, PLLC with respect to 623 Ninth Avenue Associates, LLC only." 623 Ninth Ltr. at 1. Additionally, the letter explained that 623 Ninth's principal, Cristina Ting, was not out of the country at the time of the settlement conference (as represented by attorney Smith), but was instead providing care for her husband, who is recuperating at home in Nassau County from a series of medical challenges. *Id.* at 1-2.

In light of 623 Ninth's response to the OSC, and given that plaintiff does not seek sanctions, it is hereby ORDERED that the OSC is **DISCHARGED**.

The Court notes, however, that neither attorney Weiss nor attorney Smith has moved to withdraw as counsel for 623 Ninth, meaning that both of them remain attorneys of record for both defendants. Consequently, it is further ORDERED that (unless they propose to retain their joint representation) attorneys Smith and Weiss request leave to withdraw as counsel for 623 Ninth, in accordance with Local Civ. R. 1.4, no later than **February 10, 2025**.

Dated: New York, New York
February 6, 2025

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge